IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 23142 of 2005

Between:

Tallapalli Nagabhushanam

..... PETITIONER

AND

The Deputy Superintendent of Police,

Janagaon, Warangal District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents 1 and 2 in summoning the petitioner to the Police Station and harassing him at the instance of the 3rd respondent, even without registering any crime as per law, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is stated that the petitioner has been running a kirana stores in Janagaon Town. He used to purchase provisions from the 3rd respondent wholesale shop. While so, the workers of the 3rd respondent have committed some malpractice by way of distributing excess stocks to the retail dealers without his knowledge. So far as the petitioner is concerned, he is not at all responsible for the said malpractice. However, at the instance of the 3rd respondent, the police are interfering with the civil rights of the petitioner. He also made a representation to the 1st respondent on 20.10.2005 in this respect. On 25.10.2005 the 2nd respondent has also taken away his motorbike forcibly without mentioning any reason, and he is being called to the police station time and again, and the 2nd respondent has been interfering with his civil rights, and hence, the petitioner is constrained to file this writ petition.

The police cannot interfere with the civil rights of any private individual without there being any report filed by anybody. Admittedly, no report is filed against the petitioner either by the 3rd respondent or any other person.

In that view of the matter, the 2nd respondent cannot interfere with the civil rights of the petitioner. Therefore, the 2nd respondent is directed not to interfere with the civil rights of the petitioner without there being any complaint filed against him. However, it is left open to the 2nd respondent to register a case, if any report/complaint is filed against the petitioner, and investigate into the matter.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 27.10.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr